

REMARKS

This responds to the Final Office Action dated June 1, 2010. Claims 1-12, 14-22, 24-26, and 28 are amended, no claims are canceled, and no claims are added. As a result, claims 1-28 remain pending in this application.

Interview Summary

Applicant thanks Examiner Andre Boyce for the courtesy of a telephone interview on August 30, 2009 with the Applicant's representatives, Karen Kaufman and Roy Lin.

In the telephone interview, the Examiner and representatives discussed the rejection Applicant's independent claims in view of the cited art as well as proposed amendments. However, no consensus could be reached.

The Rejection of Claims Under § 102

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Matheson (U.S. Patent No. 6,944,514).

Without conceding the propriety of the Examiner's characterization of *Matheson*, Applicants respectfully submit that *Matheson* does not disclose the method to manage a change to a product structure of, for example, Applicants' claim 1, as presently amended.

In order to anticipate a claim, a reference must teach all limitations, arranged or combined in the same way as recited in Applicants' claim. The Court of Appeals for the Federal Circuit recently held

[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also *all of the limitations arranged or combined in the same way as recited in*

the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.¹

Applicants have amended independent claim 1 to recite, *inter alia*:

[D]efining, at a computer, a change order comprising instructions to implement the change to the product structure, the change order requiring a first validity indication and a second validity indication, the first validity indication associated with a first organizational structure having a first organizational view allowed to access a first set of data stored according to the product data structure, and the *second validity indication associated with a second organizational structure having a second organizational view allowed to access a second set of data stored according to the product data structure, the second set of data being different from the first set of data; . . .*

providing the second validity indication based on:

a determination that the change is allowed by the second organizational structure,

a defined time period when the instructions to implement the change are executable, and

the provision of the first validity indication; and

automatically implementing the change, at the computer, according to the first validity indication for the first organizational view and according to the second validity indication for the second organizational view.

Applicants other independent claim, claim 15, as amended, shares limitations similar to at least those indicated above. Applicants respectfully submit that *Matheson* does not disclose each and every element of independent claims 1 and 15. Therefore, these claims are not anticipated, and are thus novel.

Instead of disclosing what is claimed, Matheson discusses “a system and method for capturing, storing, and accessing innovation information data in a tool neutral persistent form which allows access to the data by any tool via a publicly defined interface.”² To do this, Matheson provides “a collection of object models” which “each have a defined public interface

¹ *Net MoneyIn, Inc. v. Verisign, Inc.*, No. 2007-1565 at 17. (Fed. Cir. Oct. 20, 2008); emphasis added.

² Matheson col. 2, lines 30-33.

that allows any tool . . . that understands the interface definition to read and write legal data to the corresponding set of objects.”³

Matheson does not, however, disclose or even hint at “*providing the second validity indication based on . . . the provision of the first validity indication*” where the second validity indication is “associated with a second organizational structure having a second organizational view allowed to access a second set of data stored according to the product data structure, the second set of data being different from the first set of data” and the first validity indication is “associated with a first organizational structure having a first organizational view allowed to access a first set of data stored according to the product data structure” as recited in claim 1.

Since Applicants have shown that not all the claimed elements were known and arranged as required by the *Net MoneyIn* court, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. §102(e) with regard to independent claims 1 and 15. Further, since claims 2-14 and 16-28 depend, either directly or indirectly from claims 1 and 15, respectively, they too are allowable for at least the same reasons as the claims from which they depend. Further, these dependent claims may contain additional patentable subject matter.

³ Matheson col. 4, lines 2-15.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4047 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Sept. 3 2010

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of September 2010.

Dawn R. Shaw

Name

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Signature